

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL DE OLIVEIRA, : Plaintiff, :
- against - : : 25-CV-1683 (VSB)

TENET HEALTHCARE, *et al.*, : Defendants. :

-----X
DANIEL DE OLIVEIRA, : Plaintiff, :
- against - : : 25-CV-1692 (VSB)

PAKIS, GIOTES, BURLESON & :
DEACONSON, P.C., *et al.*, : Defendants. :

-----X
DANIEL DE OLIVEIRA, : Plaintiff, :
- against - : : 25-CV-1753 (VSB)

VALLEY BAPTIST REALTY COMPANY, :
LLC, *et al.*, : Defendants. :

-----X
DANIEL DE OLIVEIRA, :
Plaintiff, :
- against - :
VHS HARLINGEN HOSPITAL COMPANY, :
L.L.C., *et al.*, :
Defendants. :
-----X
DANIEL DE OLIVEIRA, :
Plaintiff, :
- against - :
JAMS, :
Defendant. :
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Appearances:

Daniel De Oliveira
East Meadow, NY
Pro Se Plaintiff

VERNON S. BRODERICK, United States District Judge:

Before me are five actions filed by pro se Plaintiff Daniel De Oliveira. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, I consolidate these five actions because they involve common questions or law or fact.

Plaintiff's filing history is as follows. On February 22, 2025, Plaintiff initiated the first

action (No. 25-cv-1683) under the Racketeer Influenced and Corrupt Organizations Act related to litigation and arbitration regarding two civil cases in Texas state court: (1) VHS Harlingen Hospital Company, LLC v. Daniel De Oliveira and (2) Valley Baptist Realty Company, LLC v. Daniel De Oliveira.¹ The next day, on February 23, 2025, Plaintiff initiated the second action (No. 25-cv-1692) for legal malpractice against his former counsel, Pakis, Giotes, Burleston & Deaconson, P.C. and its attorneys, who represented him in the two civil cases in Texas state court referenced above.² The following week, on March 3, 2025, Plaintiff initiated the third action (No. 25-cv-1753) against Valley Baptist Realty Company, LLC and Tenet Healthcare regarding the related Texas state court action.³ Plaintiff also filed a Statement of Relatedness to the first action (No. 25-cv-1683), stating that “both cases arise from the same underlying facts, involve the same defendants, and address overlapping legal issues . . .”⁴ That same day, on March 3, 2025, Plaintiff initiated the fourth action (No. 25-cv-1754) against VHS Harlingen Hospital Company, LLC and Tenet Healthcare regarding the related Texas state court action.⁵ Plaintiff also filed a Statement of Relatedness to the first action (No. 25-cv-1683), stating that “both [actions] arise from the same contractual dispute and jurisdictional issues, but they address different legal questions necessary for final resolution.”⁶ On March 11, 2025, I accepted the third and fourth actions (No. 25-cv-1753 and No. 25-cv-1754) and related to the first action (No. 25-cv-1683). On March 6, 2025, Plaintiff filed a fifth action (No. 25-cv-1868) against JAMS,

¹ These two civil cases were consolidated in Texas state court under Case No. 2018-CCL01401. *See Oliveira v. Tenet Healthcare*, No. 25-cv-1683, Doc. 1 at 2.

² *See Oliveira v. Pakis, Giotes, Burleston & Deaconson, P.C.*, No. 25-cv-1692, Doc. 1 at 4.

³ *See Oliveira v. Valley Baptist Realty Company, LLC*, No. 25-cv-1753, Doc. 1.

⁴ *See Oliveira v. Valley Baptist Realty Company, LLC*, No. 25-cv-1753, Doc. 3.

⁵ *See Oliveira v. VHS Harlingen Hospital Company, LLC*, No. 25-cv-1754, Doc. 1.

⁶ *See Oliveira v. VHS Harlingen Hospital Company, LLC*, No. 25-cv-1754, Doc. 3.

Inc.⁷ That same day, Plaintiff filed a Statement of Relatedness to the first action (No. 25-cv-1683).⁸

Consolidation is a “valuable and important tool of judicial administration.” *Consorti v. Armstrong World Indus., Inc.*, 72 F.3d 1003, 1006 (2d Cir. 1995), *vacated on other grounds*, 518 U.S. 1031 (1996). Under Federal Rule of Civil Procedure 42(a), when separate actions before a court involve a common question of law or fact, a court is empowered to “consolidate the actions.” Fed. R. Civ. P. 42(a)(2). Essentially, Rule 42 is “invoked to expedite trial and eliminate unnecessary repetition and confusion.” *Devlin v. Transp. Commc'n Int'l Union*, 175 F.3d 121, 130 (2d Cir. 1999) (internal quotation marks omitted). It is well-settled that Rule 42 gives a district court broad discretion to consolidate legal actions *sua sponte*. *Id.* “[T]he consent of the parties is not required.” *Tucker v. Kenney*, 994 F. Supp. 412, 415 (E.D.N.Y. 1998). Indeed, where judicial economy is concerned, a district court will generally consolidate actions. See *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1285 (2d Cir. 1990) (“[C]ourts have taken the view that considerations of judicial economy favor consolidation.”); *Bank of Montreal v. Eagle Assocs.*, 117 F.R.D. 530, 532 (S.D.N.Y. 1987) (“Considerations of judicial economy strongly favor simultaneous resolution of all claims growing out of one event.” (quoting *Ikerd v. Lapworth*, 435 F.2d 197, 204 (7th Cir. 1970))).

Here, consolidation is appropriate. All five actions involve common questions of fact, namely the litigation and arbitration regarding multiple Texas state court proceedings. There is also overlap regarding the identify of defendants, particularly Tenet Healthcare. Consolidation is also appropriate because there are several overlapping questions of law concerning fraud,

⁷ See *De Oliveira v. JAMS*, No. 25-cv-1868, Doc. 1.

⁸ See *De Oliveira v. JAMS*, No. 25-cv-1868, Doc. 3.

obstruction of justice, the Federal Arbitration Act, and the U.S. Constitution. Finally, I find that judicial economy would be served by consolidation. Plaintiff has already made filings related to requests for admissions in each of the five actions.⁹ Consolidation will help “eliminate unnecessary repetition and confusion.” Accordingly, it is hereby:

ORDERED that pursuant to Rule 42(a), the five actions before me are consolidated for pre-trial purposes. All pre-trial filings and submissions shall be made under Case No. 25-CV-1683 only. To be clear, Plaintiff De Oliveira is directed to make all filings only in Case No. 25-CV-1683, which will now include all five complaints against all the various defendants. Plaintiff should not make additional filings or submissions in the other four actions (No. 25-cv-1692, No. 25-cv-1753, No. 25-cv-1754, and No. 25-cv-1868).

The Clerk of Court is respectfully directed to consolidate the above-captioned cases, and file this Order in all five actions: No. 25-cv-1683; No. 25-cv-1692; No. 25-cv-1753; and No. 25-cv-1754; No. 25-cv-1868.¹⁰

⁹ See, e.g., *Oliveira v. Tenet Healthcare*, No. 25-cv-1683, Doc. 11 (motion for clarification regarding rule 36 requests for admission); *Oliveira v. Pakis, Giotes, Burleson & Deaconson, P.C.*, No. 25-cv-1692, Doc. 3 (motion to serve request for admissions); *Oliveira v. Valley Baptist Realty Company, LLC*, No. 25-cv-1753, Doc. 5 (first request for admissions); *Oliveira v. VHS Harlingen Hospital Company, LLC*, No. 25-cv-1754, Doc. 5 (motion for admissions under Rule 36 of the Federal Rules of Civil Procedure); *De Oliveira v. JAMS*, No. 25-cv-1868, Doc. 7 (motion to request admit or deny questions by the Defendant).

¹⁰ Pro se Plaintiff has consented to receive electronic service via ECF. See *Oliveira v. Tenet Healthcare*, No. 25-cv-1683, Doc. 9.

SO ORDERED.

Dated: March 17, 2025
New York, New York

A handwritten signature in black ink, appearing to read "Vernon S. Broderick". The signature is fluid and cursive, with "Vernon" and "S." being more stylized and "Broderick" being more legible.

Vernon S. Broderick
United States District Judge